

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #14	CCRB Case #: 201903548	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/13/2019 9:15 PM	Location of Incident: In front of 584 East 21st Street	Precinct: 70	18 Mo. SOL 10/13/2020	EO SOL 5/30/2021	
Date/Time CV Reported Tue, 04/23/2019 10:26 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 04/23/2019 10:26 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Grant	08377	954890	070 PCT
2. POM Raymond Buono	02800	954578	070 PCT
3. POM Sean Christian	07051	932143	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sean Christian	Abuse: Police Officer Sean Christian stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM James Grant	Abuse: Police Officer James Grant stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Raymond Buono	Abuse: Police Officer Raymond Buono stopped the vehicle in which § 87(2)(b) was an occupant.	
D.POM Sean Christian	Abuse: Police Officer Sean Christian frisked § 87(2)(b)	
E.POM Sean Christian	Abuse: Police Officer Sean Christian searched the vehicle in which § 87(2)(b) was an occupant.	
F.POM Sean Christian	Abuse: Police Officer Sean Christian failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On April 23rd, 2019, § 87(2)(b) filed this complaint in-person at the CCRB.

On April 13th, 2019 at approximately 9:15pm, Police Officers Sean Christian, James Grant, and Raymond Buono, all of the 70th Precinct, stopped § 87(2)(b)'s vehicle in front of 584 East 21st Street in Brooklyn (**Allegations A-C: Abuse of Authority,** § 87(2)(g) After informing § 87(2)(b) of why he had been stopped, PO Christian stated that he smelled marijuana and asked § 87(2)(b) to step out of his vehicle. PO Christian then allegedly frisked § 87(2)(b) (**Allegation D: Abuse of Authority,** § 87(2)(g) and searched his vehicle (**Allegation E: Abuse of Authority,** § 87(2)(g) § 87(2)(b) was not arrested or issued a summons. PO Christian allegedly failed to provide a RTKA business card to § 87(2)(b) as required (**Allegation F: Abuse of Authority,** § 87(2)(g)

§ 87(2)(g), § 87(4-b)

The investigation obtained body-worn camera footage capturing a portion of this incident from PO Grant, PO Christian, and PO Buono (Board Review 01, 02, 03).

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Sean Christian stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B—Abuse of Authority: Police Officer James Grant stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C—Abuse of Authority: Police Officer Raymond Buono stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation D—Abuse of Authority: Police Officer Sean Christian frisked § 87(2)(b)

Allegation E—Abuse of Authority: Police Officer Sean Christian searched the vehicle in which § 87(2)(b) was an occupant.

Body-worn camera footage received from PO Christian, PO Buono, and PO Grant captures this incident. PO Christian's BWC shows that PO Christian approaches § 87(2)(b)'s driver's side and informs § 87(2)(b) that he is being stopped because his third brake light is out and his plate does not have a light (Board Review 02, 1:11 minutes – 3:53 minutes). PO Christian is the only officer directly interacting with § 87(2)(b) at this point. After reviewing § 87(2)(b)'s papers and ID, PO Christian asks § 87(2)(b) to step out of his vehicle. As he opens the door, § 87(2)(b) states, "I don't have anything illegal," then asks why he has to step out of the car. At the 3:35 minute mark in the BWC, PO Christian replies, "Someone was smoking." § 87(2)(b) replies, "Not me." PO Christian states, "Just a little whiff." PO Christian then asks § 87(2)(b) to step to the back of the car.

PO Buono's BWC shows that he initially approaches the rear of § 87(2)(b)'s vehicle and remains there throughout the interaction (Board Review 03). At the 3:47 minute mark in PO Buono's BWC, as PO Christian asks § 87(2)(b) to step to the rear of the car, PO Christian can be seen pulling briefly on § 87(2)(b)'s hoodie pocket. This appears to be only contact PO Christian makes with § 87(2)(b). PO Grant's BWC shows that he initially approaches the front passenger side of § 87(2)(b)'s vehicle (Board Review 01). At the 3:54 minute mark in PO Grant's BWC, as § 87(2)(b) walks to the rear of the vehicle, PO Grant leaves the passenger side where he had been standing while PO Christian initially spoke with § 87(2)(b) and walks to the rear with PO Buono and § 87(2)(b). At the 4:13 minute mark, PO Grant points out to

§ 87(2)(b) that the middle brake light is not working. It is visible in the video that the middle brake light is not illuminated while the side brake lights are illuminated.

Between 4:00 minute – 6:20 minute mark in PO Christian's BWC, § 87(2)(b) stands at the rear of the vehicle and PO Christian approaches the open driver's door and searches the driver's seat and center console. PO Christian walks around the front of the vehicle to the front passenger door and leans through the open passenger side window. PO Christian goes back around the front of the vehicle to the driver's door and opens it. PO Christian gets onto the driver's seat and leans through the middle of the car to the passenger side, then shines his flashlight into the backseat and checks the back area. PO Christian then shuts the door and approaches § 87(2)(b) at the trunk and states, "You're good." All BWC footage ends with PO Christian approaching PO Buono, PO Grant, and § 87(2)(b) at the rear of § 87(2)(b)'s vehicle.

§ 87(2)(g)

§ 87(2)(b) stated that after he was pulled over in front of 584 East 21st Street, PO Christian approached his vehicle and told him that he had been pulled over because his rear brake light was not working (Board Review 04). § 87(2)(b) stated in his interview that the rear brake light was in fact not working when he was pulled over. After reviewing § 87(2)(b)'s license and registration and asking § 87(2)(b) some questions about his vehicle, PO Christian instructed § 87(2)(b) to stand at the rear of his vehicle with PO Buono and PO Grant. § 87(2)(b) asked why he had to get out of the car and PO Christian stated that he smelled weed and that he had received a complaint about the smell of weed. § 87(2)(b) stated in his interview that he had not smoked at all in the car that day, there was no marijuana in the car, and to his knowledge it did not smell like weed in the car. § 87(2)(b) exited the vehicle and PO Christian patted down his pants pockets. He did not enter § 87(2)(b)'s pockets nor did he search or pat down any other part of § 87(2)(b). § 87(2)(b) then went to the rear of the vehicle and stood facing away from his vehicle with PO Buono and PO Grant. Though PO Buono and PO Grant instructed him to not look at his vehicle, § 87(2)(b) turned around a few times and saw PO Christian searching the front of the car and the glove compartment. After about five minutes, PO Christian returned § 87(2)(b)'s license and registration and let him go.

PO Christian and PO Grant were both interviewed about this incident (Board Review 05, 06). Neither had any independent recollection of this vehicle stop. Neither a summary of the incident nor viewing of BWC clips from the incident jogged any recollection of this incident for either officer. Upon viewing his BWC, PO Christian identified himself as the officer speaking with § 87(2)(b) and stated that based off what he was seeing it, he obviously interacted with § 87(2)(b) but he did not have any recollection of this incident. PO Christian did not recall if he searched § 87(2)(b)'s vehicle or frisked § 87(2)(b). PO Grant did not independently recall a search of the vehicle and did not know why the vehicle was searched. When shown the clip from PO Buono's BWC in which PO Christian appears to make contact with § 87(2)(b)'s hoodie pocket, PO Christian stated that it looked like he was just walking back and brushed against § 87(2)(b). PO Christian stated it appeared he was just guiding § 87(2)(b) rather than frisking him.

New York State Vehicle and Traffic Law Section 375, 40(b) states that every motor vehicle manufactured on or after January 1st, 1952, except a motorcycle, shall be equipped with at

least two stop lamps, one on each side, each of which shall display a red to amber light visible at least five hundred feet from the rear of the vehicle when the brake of such vehicle is applied (Board Review 07).

§ 87(2)(g) [REDACTED]

In People v. Chestnut, 43 A.D.2d 260, the Supreme Court of New York, Appellate Division, Third Department decided that the odor of marihuana emanating from a vehicle, when detected by an officer qualified by training and experience to recognize it, constitutes probable cause to search a vehicle and its occupants. (Board Review 08).

§ 87(2)(g) [REDACTED]

Allegation F—Abuse of Authority: Police Officer Sean Christian failed to provide

§ 87(2)(b) [REDACTED] **with a business card.**

§ 87(2)(b) [REDACTED] was not arrested or issued any summonses during this stop and denied that he received any business cards from the officers.

Neither PO Grant's, PO Christian's, nor PO Buono's body-worn camera footage show PO Christian providing a business card to § 87(2)(b) [REDACTED] however, all three of the videos end with the three officers standing at the rear of § 87(2)(b) [REDACTED]'s vehicle with § 87(2)(b) [REDACTED] and as such, do not capture the end of the incident (Board Review 01, 02, 03).

PO Christian testified that he was equipped with the RTKA business cards at the time of this stop. PO Christian stated that from his understanding, he is to give a card if asked to provide one or if asked for his name or shield. PO Christian stated that officers would only proactively offer cards to people approached during the course of other investigation and denied that there was any other scenario in which officers would proactively offer business cards. PO Christian had no independent recollection of this incident and as such, did not recall if he gave § 87(2)(b) [REDACTED] a business card.

New York City Administrative Code Section 14-174 states that during law enforcement activities, including searches of persons or property including vehicles, officers are required to offer a business card to the person who is the subject of such law enforcement activity at the conclusion of any such activity that does not result in an arrest or summons (Board Review 09).

§ 87(2)(g) [REDACTED]

§ 87(2)(g)

[illegible]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named victim in three allegations (Board Review 10). § 87(2)(b)
- PO Sean Christian has been a member-of-service for 16 years and has been a subject in 11 CCRB complaints and 18 allegations, none of which have been substantiated. § 87(2)(g)
- PO James Grant has been a member-of-service for six years and has been a subject in six CCRB complaints and 14 allegations, none of which have been substantiated. § 87(2)(g)
- PO Raymond Buono has been a member-of-service for six years and has been a subject in one CCRB complaint and three allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§ 87(2)(c)]
[§ 87(2)(b)] [§ 87(2)(c)]
[§ 87(2)(b)] [§ 87(2)(c)]
[§ 87(2)(b)] [§ 87(2)(c)]
- As of October 11th, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 12).

Squad No.: _____

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____